



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 5, 2020

Via ECF

The Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square, Courtroom 1106  
New York, New York 10007

**Re: *United States v. Zelaya Romero and Avila-Meza*, S1 15 Cr. 174 (LGS)**

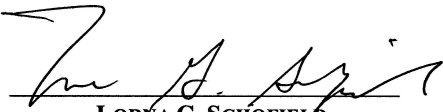
Dear Judge Schofield:

The parties write in response to the Court's April 28, 2020 order concerning the *Fatico* hearing for defendants Ludwig Criss Zelaya Romero and Juan Manuel Avila Meza, currently scheduled to begin on June 8, 2020. In light of the ongoing COVID-19 pandemic and the corresponding impact on the parties' ability to prepare for the *Fatico* hearing, including the limitations on defense counsels' ability to meet in person with their clients and the Government's ability to meet with its witnesses who are housed in BOP facilities, the parties jointly request that the *Fatico* hearing be adjourned.

Accordingly, the parties respectfully request that the Court plan to schedule a hearing date for approximately four to six weeks after normal court functions resume and relevant social distancing guidelines are vacated. The parties believe that such a period of time will be sufficient for defense counsel to confer with their clients and for the Government to meet with its witnesses.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

By: /s/  
Amanda L. Houle / Matthew J. Laroche /  
Jason A. Richman / Elinor L. Tarlow  
Assistant United States Attorneys  
(212) 637- 2194 / 2420 / 2589 / 1036

Application GRANTED. The *Fatico* hearing currently scheduled for June 8, 2020, is hereby adjourned sine die. It is further ORDERED that the parties and their counsel shall appear for a telephone conference with the Court on June 18, 2020, at 11:00 a.m., by calling (888) 363-4749 and using access code 558-3333. It is further ORDERED that the parties shall file a letter by June 15, 2020, with proposed dates for re-scheduling the *Fatico* hearing. Included in the June 15, 2020, letter, defense counsel shall state whether Defendants waive their appearance at the June 18, 2020, teleconference. It is further ORDERED that defense counsel shall, to the extent practicable, obtain Defendants' signatures on the attached waiver form and submit it to the Court.

Dated: May 7, 2020

New York, New York

April 2, 2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

,  
Defendant.

-----X

**WAIVER OF RIGHT TO BE PRESENT  
AT CRIMINAL PROCEEDING**

\_\_\_\_-CR-\_\_\_\_(\_\_\_\_)(\_\_\_\_)

**Check Proceeding that Applies**

\_\_\_\_ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the indictment.
- 2) I do not need the judge to read the indictment aloud to me.
- 3) I plead not guilty to the charges against me in the indictment.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_ Bail Hearing

I am applying or in the future may apply for release from detention, or if not detained, for modification of the conditions of my release from custody, that is, my bail conditions. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time that my attorney makes such an application. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to make applications for my release from custody or for modification of the conditions of my release even though I will not be present, and to make such applications in writing or by telephone in my attorney's discretion.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_ Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:

\_\_\_\_\_  
Signature of Defense Counsel

\_\_\_\_\_  
Print Name

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

\_\_\_\_\_.

Date:

\_\_\_\_\_  
Signature of Defense Counsel

**Accepted:**

\_\_\_\_\_  
Signature of Judge

Date: